

Joseph J. Waske
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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

| | | |
|--------------------------------|---|--------------------------|
| Joseph J. Waske, |) | Case No.: 08-13555 (SCC) |
| |) | |
| vs. |) | (Jointly Administered) |
| |) | |
| Lehman Brothers Holdings Inc., |) | |
| |) | |
| et al, |) | |
| |) | |
| Debtors. |) | |

MOTION FOR SUMMARY JUDGEMENT

TO THE HONORABLE SHELLEY C CHAPMAN
UNITED STATES BANKRUPTCY JUDGE:

Joseph Waske requests the honorable court to grant this Motion for a Summary Judgment for the Motion to Reserve (Docket #60448). Joseph Waske states as follows:

Jurisdiction

1. The United States Bankruptcy Court for the Southern District of New York (the "Court") has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and Article XIV, Section 14.1(h) of the Plan. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding under 28

U.S.C. §§ 157(b). The statutory bases for the relief requested in this motion are sections 105(a) and 1141 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code").

Background

2. On February 19th, 2020, the Plan Administrator was served the Motion to Reserve. (EXHIBIT A)

3. On February 25th, the Motion to Reserve was received by the court. (EXHIBIT B)

4. Federal Rules of Civil Procedures Pursuant to Rule 12(a)(1)(A)(i), the Plan Administrator has had more than twenty one (21) days from service of this motion (Docket #60448) to file any objections. See also Fed. R. Civ. P. 6(a), (b), (d).

5. The Plan Administrator is required to file a timely response upon the service of the motion. The response needed to be filed by March 11th, 2020.

6. More than twenty one days have passed since the honorable court stamped the Motion to Reserve (Docket #60448) as

"Received." The twenty first day would have been March 17th, 2020.

Statement

7. It has been eight days since the response deadline has passed for the Plan Administrator to file a response from the date of service.

8. It has been two days since the response deadline passed from the honorable court dated "Received".

9. The Plan Administrator has not filed a response to the Motion to Reserve (Docket #60448) as of today's date on the signature page.

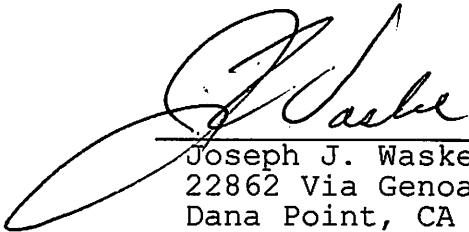
Conclusion

10. Joseph Waske has given more than the required time for the Plan Administrator to file a response.

11. Joseph Waske requests the court to immediately grant the motion to reserve (Docket #60448) for the full amount of \$71,698,276.

For all the reasons set forth herein and in the motion to reserve (Docket #60448), Joseph Waske respectfully requests that the Court grant the relief requested in the Motion to reserve, and grant such other relief as is just.

Respectfully Submitted,
Dated this 18th day of March, 2020



Joseph J. Waske
22862 Via Genoa
Dana Point, CA 92629



FAQs >

Track Another Package +

Tracking Number: 9505506584060045311179

Remove X

Your item was delivered in or at the mailbox at 11:26 am on February 19, 2020 in NEW YORK, NY 10172.

USPS Premium Tracking™ Available ✓

✓ **Delivered**

February 19, 2020 at 11:26 am
Delivered, In/At Mailbox
NEW YORK, NY 10172

Get Updates ✓

Text & Email Updates

Tracking History

Exhibit A
Feedback

February 19, 2020, 11:26 am

Delivered, In/At Mailbox

NEW YORK, NY 10172

Your item was delivered in or at the mailbox at 11:26 am on February 19, 2020 in NEW YORK, NY 10172.

February 18, 2020, 6:58 pm

Delivery Attempted - No Access to Delivery Location

NEW YORK, NY 10172

February 18, 2020, 7:10 am

Out for Delivery

NEW YORK, NY 10172

February 17, 2020, 5:04 am

Arrived at Hub

NEW YORK, NY 10017

February 16, 2020, 5:50 am

Arrived at USPS Facility

NEW YORK, NY 10017

February 16, 2020, 5:24 am

Departed USPS Regional Facility

NEW YORK NY DISTRIBUTION CENTER

February 16, 2020, 1:01 am

Arrived at USPS Regional Destination Facility

NEW YORK NY DISTRIBUTION CENTER

Feedback

Exhibit A

February 15, 2020
In Transit to Next Facility

February 14, 2020, 9:48 pm
Arrived at USPS Regional Origin Facility
ANAHEIM CA DISTRIBUTION CENTER

February 14, 2020
USPS expects item for mailing (SSK)
MISSION VIEJO, CA 92690

Premium Tracking

Product Information

Feedback

See Less

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Exhibit A

Exhibit B

Joseph Waske
22862 Via Genoa
Dana Point, CA 92629
Tel: (949) 517-8330
Email: jwaske3@yahoo.com
Pro-Se

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In Regards: Chapter 11 LEHMAN BROTHERS HOLDINGS INC., et al., Case # 08-13555 (SCC)
Response to Plan Administrators Objection to Motion to Reclassify (Docket 60403)

PROOF OF SERVICE

On February 14, 2020, I caused to be served the "Motion to Reserve for Motion to Reclassify," by causing true and correct copies to be enclosed securely in a separate postage paid envelope and delivered via USPS

USPS Priority Mail to:

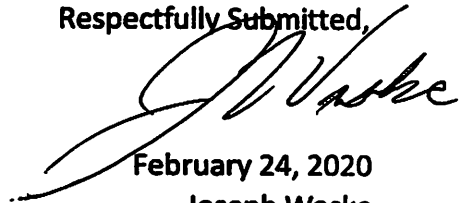
Attention: Kristine Dickson and Matthew Cantor, c/o Lehman Brothers Holdings Inc., 277 Park Avenue, 46th floor, New York, New York 10172. (EXHIBIT A)

On February 14, 2020, I caused to be served the "Motion to Reserve for Motion to Reclassify," by causing true and correct copies to be enclosed securely in a separate postage paid envelope and delivered via USPS

USPS Priority Mail to:

Attention: Office of the U.S. Trustee, c/o William K. Harrington, Esq., Susan D. Golden, Esq., Andrea B. Schwartz, Esq., U.S. Federal Office Building, 201 Varick St., Suite 1006, New York, NY 10014 (EXHIBIT A)

Respectfully Submitted,



February 24, 2020

Joseph Waske

22862 Via Genoa

Dana Point, CA 92629

Tel: (949) 517-8330

Email: jwaske3@yahoo.com

Pro-Se

USPS eReceipt

Exhibit B

donotreply@ereceipt.usps.gov
jwaske3@yahoo.com
Friday, February 14, 2020, 02:03 PM PST

SAN JUAN CAPISTRANO
28081 MARGUERITE PKWY
MISSION VIEJO, CA, 92690-9998
056846-9551
(800)275-8777
02/14/2020 02:01 PM

| Product | Qty | Unit Price | Price |
|---|-----|------------|------------------|
| PM 2-Day Flat Rate Env (Domestic) (NEW YORK, NY 10004) (Expected Delivery Day) (Tuesday 02/18/2020) (USPS Tracking #) (9502 6065 8406 0045 3111 55) | 1 | \$7.75 | \$7.75 |
| Certified PM 2-Day Flat Rate Env (Domestic) (NEW YORK, NY 10172) (Expected Delivery Day) (Tuesday 02/18/2020) (USPS Tracking #) (9505 5065 8406 0045 3111 79) | 1 | \$7.75 | \$3.55 \$7.75 |
| Insurance (Up to \$50.00 included) | | | \$0.00 |
| PM 2-Day Flat Rate Env (Domestic) (NEW YORK, NY 10014) (Expected Delivery Day) (Tuesday 02/18/2020) (USPS Tracking #) (9505 5065 8406 0045 3111 93) | 1 | \$7.75 | \$7.75 |
| Insurance (Up to \$50.00 included) | | | \$0.00 |
| Total: | | | \$26.80 |
| AMEX | | | \$26.80 |
| (Account #:XXXXXXXXXX1046) (Approval #:831375) (Transaction #:383) (Receipt #:000383) (AID:A000000025010801 (AL:AMERICAN EXPRESS) (PIN:Not Required) (Chip) | | | |
| Clerk ID: 00 Receipt #: 840-19260337-1-1662791-1 | | | |
| Includes up to \$50 insurance | | | |
| Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811. | | | |
| Save this receipt as evidence of insurance. For information on filing an insurance claim go to https://www.usps.com/help/claims.htm | | | |
| Preview your Mail Track your Packages Sign up for FREE @ www.informedelivery.com All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business. | | | |
| Privacy Act Statement: Your information will be used to provide you with an | | | |

Original copy to the Court
Note, USPS is send cert. signature
card. Motion cannot be found at
Courthouse. Re-sent 2/24/20.

Copy to Plan Admin.

Copy to U.S. Trustee